



**In the United States Patent and Trademark Office**

3761  
#22  
OR  
4-23-3

Applicants:	Crump et al.	Docket	BA00117
Serial No.:	09/459,522	Group:	3761
Filed:	December 13, 1999	Examiner:	Darwin P. Erez
For:	ENDOTRACHEAL CATHETER AND MANIFOLD ASSEMBLY WITH IMPROVED VALVE	Date:	April 10, 2003

**Response**

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APR 21 2003

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

TECHNOLOGY CENTER R2702

Sir:

Pursuant to 37 C.F.R. § 1.111 and in response to the Office Action mailed January 27, 2003, it is respectfully requested the Examiner reconsider the present application in view of the following remarks.

**Remarks**

Applicants' attorney thanks the Examiner for his comments. Applicants' attorney further acknowledges the Examiner's receipt and entry of the Applicants' submission filed on December 26, 2002. Applicants' attorney also notes the Examiner's statement that Claim 18 is allowed over the prior art of record.

**Rejections under 35 U.S.C. § 103**

By way of the Office Actions mailed January 27, 2003 the Examiner rejected Claims 1- 17, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,582,161 of Kee (hereinafter "Kee" or "the '161 patent") in view of U.S. Patent No. 5,343,857 of Schneider (hereinafter "Schneider" or "the '857 patent"). The Examiner contends "Kee teaches an apparatus comprising a catheter 30; a manifold 10; and a valve 20 disposed in the manifold, the valve being configured to selectively limit the withdrawal of air from the ventilation circuit, wherein the valve is capable of being opened by catheter (as seen in Fig. 1); and wherein the valve is a flap." The Examiner also states that "Kee is silent with regards to the valve having at least one protrusion", but contends that "Schneider teaches a valve 16 for a catheter manifold, wherein the valve comprises protrusions (at the distal end of the valve flap 20); and wherein the design of this valve with protrusions helps maintain the valve in a closed position." The Examiner then concluded that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to change the design of his valve (having